IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14904 of 2004

Between:

Ch.Lakshmi Devi, D/o Ch.Gali Reddy,
R/o Mannepalli Village, Pullalacheruvu Mandal,

Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapuram, Prakasam District.
3 The Mandal Revenue Officer, Pullalacheruvu Mandal,

Prakasam District.

4. Bireddy Basivi Reddy, S/o.Peddakoti Reddy, 24 years,

Fair Price Shop Dealer (Temporary), R/o.Mannepplle village,

Pullalacheruvu Mandal, Prakasam District.

(Respondent No.4 is impleaded as per orders in

W.P.M.P.No.22470/2004, dt. 30-09-2004.)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned proceedings No.R.C.H./1641/2004 dated 12-08-2004 issued by the 2nd respondent as illegal, arbitrary, unjust, without jurisdiction and contrary to the guidelines prescribed in Memo No.40829/CS-IV-1/1991 dated 26-7-1991 and to consequently set aside the same.

Counsel for the Petitioner: Smt.K.ARUNA

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.4 : Mr.M.Brahma Reddy

The Court made the following :

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THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.14904 OF 2004

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ORAL ORDER :

The petitioner has been appointed as a temporary dealer of a Fair Price Shop of Mannepalli Village vide proceedings of the 2nd respondent – Revenue Divisional Officer, Markapuram, Prakasam District, dated 15-07-2004. The petitioner states that in pursuance thereof, she has paid the requisite amounts in order to lift the essential commodities for the month of August, 2004. While so, the 2nd respondent passed an order dated 12-08-2004 stating that in view of the report of the Mandal Revenue Officer, Pullalacheruvu, dated 11-07-2004 stating that there is need for a separate shop for the Harijan Community of Pullalacheruvu village and therefore the petitioner is appointed as dealer of Shop No.1 of Mannepalli village with total 319

cares. It was also stated that the earlier proceedings dated 15-07-2004 will not be taken into consideration. Aggrieved by the same, this writ petition is filed contending inter alia that the bifurcation of Fair Price Shop of Mannepalli village is contrary to the guidelines since the shop is left with only 319 cards and that the order itself is without jurisdiction since the District Collector alone is competent to direct bifurcation of Fair Price Shop.

On behalf of the respondent Nos.1 to 3, a counter-affidavit has been filed. In the said counter-affidavit, the fact that the petitioner has been appointed on 15-07-2004 on temporary basis is not denied. However, it is stated that there was a proposal to bifurcate the said shop in view of the needs of the people in the village in terms of G.O.No.148/CS-I/98-1, dated 22-01-1999, under which certain guidelines are issued.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3 and Sri K.Brahma Reddy appearing for the fourth respondent.

It is true that as per the guidelines issued under the proceedings dated 22-01-1999 a separate shop can be opened for the Harizan Basti. If there is a need for such separate shop, it is always open to the respondents to create such shop by bifurcating the existing shop following the guidelines. However, it is not in dispute that the District Collector alone is the competent authority to pass an order of bifurcation. Nothing has been placed before this Court to show that there was any order by the District Collector bifurcating the existing fair price shop of Mannepalli village for creating a separate shop for the Harizan community of Pullalacheruvu village. Obviously, the impugned order has been passed deleting some of the cards of the fair price shop in question without there being any order of bifurcation by the District Collector. May be that, the Mandal Revenue Officer reported that there is need for creating a separate shop for Harizanawada of Pullalacheruvu village, but the second respondent is not justified in deleting some of the cards from the existing fair price shop of Mannepalli village on his own, thereby reducing the cards allotted to the petitioner .

In the circumstances, the impugned order is set aside. However, it is made clear that this shall not preclude the respondents to take appropriate steps for bifurcation of the shop in question following due process of law.

Writ Petition is accordingly disposed of. No costs.

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30-09-2004

Note:- CC in two days.

(B/O)

vs

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Markapuram, Prakasam District.
3 The Mandal Revenue Officer, Pullalacheruvu Mandal,

Prakasam District.

4 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T)

5 2CD copies